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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,958	02/26/2002	David C. Loda	02-179	5005
7590 03/26/2008				
Barry L. Kelmacher BACHMAN & LaPOINTE, P.C. Suite 1201 900 Chapel Street New Haven, CT 06510-2802				
EXAMINER				
BENGZON, OREG C				
ART UNIT		PAPER NUMBER		
2144				
MAIL DATE		DELIVERY MODE		
03/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/082,958

Applicant(s)

LODA, DAVID C.

Examiner

GREG BENGZON

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8 and 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This application has been examined. Claims 1-4, 6-8, 10-19 are pending.
Claims 5, 9 are cancelled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 03/03/2008 has been entered.

Priority

The effective date of the Claims described in this application is February 26, 2002.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6-8,10-12,14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charles (US Patent 6449103) in view of Pugliese et al. (US Publication 20010044751), hereinafter referred to as Pugliese further in view of Thompson (US Patent 7068301).

Charles substantially disclosed the features of the invention described in the claims below.

With respect to Claim 1 Charles disclosed (Charles - original) An integrated system comprising: (Charles - Figures 177-180, Column 9 Lines 30-50, Column 59 Lines 10-25) a portal (Charles - Figure 178, Item 178L); at least one wireless local area network in communication with a server (Charles - Figure 178-179, Items 179e) ; at least one mobile platform in wireless communication with said at least one wireless local area network; (Charles - Figure 179, Items 179t, 179r, Column 59 Lines 5-25, Column 60 Lines 1-15)

The Examiner interprets the portal to be a computer that is enabled to view visual data via a web site concurrently with a web-based community of users. (Applicant Specifications Page 6)

Charles disclosed a portal as embodied by a computer connected to the Internet for presenting visual data to the user(s). (Charles – Column 60 Lines 1-15) However Charles does not disclose certain features of the invention, such as using a server hosting a website, such that users are able to access visual data via a web page. While Charles disclosed of using control means for games and robotic devices, interactive input devices and goggles in conjunction with the remote visual device, Charles does not disclose of operating the visual device via a website. While Charles was concerned with the distribution and display of video data over the Internet, (Charles – Column 7 Lines 15-20) Charles would have been motivated to look for other disclosures regarding remote viewing and observing of subject matter (Charles – Column 7 Lines 15-20, Lines 33-36) via Internet, such as Pugliese.

Pugliese disclosed an online shopping portal that allows registered users and merchants to communicate via an interactive video communication system via a website. Pugliese disclosed of users being able to remotely operate the video camera in order to view products from the merchant store.

Pugliese disclosed a server communicating with said portal and a means for enabling two-way communications between said portal and said server. (Pugliese - Figure 2-4, Paragraph 8-10, Paragraph 156-166)

Charles and Pugliese are analogous art because they present concepts and practices regarding electronic distribution, processing, and viewing of visual data via a remote visual device. At the time of the invention it would have been obvious to combine the teachings of Pugliese regarding website portals that host interactive video communications into the method and apparatus of Charles. The said combination would enable the method and apparatus of Pugliese to manage an Internet website for coordinating viewing of the visual data, and to allow users to remote operate the visual device by issuing commands via said website. The suggested motivation for doing so would have been, as Pugliese suggests (Pugliese - Paragraph 6), so that users at the remote site may be able to hold interactive sessions with and obtain input from knowledge experts at other remote sites.

However Charles-Pugliese did not disclose (re. Claim 1) wherein the visual data device is in communication with a PC tablet.

Thompson disclosed (re. Claim 1) wherein the visual data device is in communication with a PC tablet. (Thompson -Figure 2, Column 5 Lines 30-45, 'maintenance apparatus')

Charles, Pugliese and Thompson are analogous art because they present concepts and practices regarding electronic distribution, processing, and viewing of visual data via a remote visual device. At the time of the invention it would have been obvious to combine the teachings of Thompson into the method and apparatus of Charles-Pugliese. The motivation for said combination would have been to have the appropriate maintenance files readily available at the inspection site along with the visual device. (Thompson -Column 4 Lines 20-30)

Charles-Pugliese-Thompson disclosed Claim 2 - The integrated system of claim 1 wherein said portal may be accessed by at least one mobile device in communication with said portal. (Charles - Figure 180 Item 180a, Column 58 Lines 15-35)

Charles-Pugliese-Thompson disclosed Claim 3 - The integrated system of claim 1 wherein said at least one local area network is physically integrated with said server. (Charles - Figure 179c)

Charles-Pugliese-Thompson disclosed Claim 4 - The integrated system of claim 1 wherein said at least one local area network is in wireless communication with said server. (Charles - Figure 179, Column 16 Lines 1-15)

Charles-Pugliese-Thompson disclosed Claim 6 - The integrated system of claim 1, further comprising a borescope and said borescope being in communication with a mobile device. (Charles - Figure 64, Figure 137, Figure 177i, Column 16 Lines 1-15, Column 45 Lines 55-60, Column 46 Lines 35-50, Column 47 Lines 20-30)

Charles-Pugliese-Thompson disclosed Claim 7 - The integrated system of claim 6, wherein said borescope communicates with said mobile device via a data feed wire. (Charles - Figure 64, Figure 180, Column 45 Lines 55-60, Column 46 Lines 35-50, Column 47 Lines 20-30)

Charles-Pugliese-Thompson disclosed Claim 8 - The integrated system of claim 7, wherein said mobile device comprises at least one USB port for receiving said data feed wire. (Charles - Figure 64, Figure 180, Column 45 Lines 55-60, Column 46 Lines 35-50, Column 47 Lines 20-30)

Charles-Pugliese-Thompson disclosed Claim 10 - The integrated system of claim 19, wherein said stereographic viewing system comprises a stereo image lens in communication with said at least one mobile device. (Charles - Figure 177-180, Column 30 Lines 10-15, Column 47 Lines 20-30, Column 54 Lines 25-50)

Charles-Pugliese-Thompson disclosed Claim 11 - The integrated system of claim 10, wherein said at least one mobile device comprises at least one USB port for receiving data from said stereo image lens. (Charles - Figure 177-180, Column 30 Lines 10-15, Column 47 Lines 20-30, Column 54 Lines 25-50)

Charles-Pugliese-Thompson disclosed Claim 12 - The integrated system of claim 1, wherein said server is addressable by a unique IP address and wherein said server hosts at least one web page. (Pugliese - Figure 2-4, Paragraph 8-10, Paragraph 156-166, Paragraph 268)

Charles-Pugliese-Thompson disclosed Claim 14 - A method for providing remote, interactive visual analysis of an apparatus, (Charles - Figures 177-180, Column 9 Lines 30-50, Column 59 Lines 10-25) comprising the steps of: providing a portal, said portal in communication with at least one electronic device (Charles - Figure 178, Item 178L); integrating said server into a wireless local area network; (Charles - Figure 178-179, Items 179e) connecting at least one mobile platform to said local area network; providing visual data from at least one visual device to said at least one mobile platform;

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and receiving said visual data at said at least one electronic device. (Charles - Figure 179, Items 179t, 179r, Column 59 Lines 5-25, Column 60 Lines 1-15, Column 30 Lines 10-15, Column 47 Lines 20-30, Column 54 Lines 25-50) ; providing a server two-way communication with said portal via the internet. (Pugliese - Figure 2-4, Paragraph 8-10, Paragraph 156-166)

Charles-Pugliese-Thompson disclosed Claim 14 - *analyzing a turbine engine of the apparatus using said visual data.* (Thompson -Figure 2, Column 5 Lines 30-45, 'maintenance apparatus')

Charles-Pugliese-Thompson disclosed Claim 15 - The method of claim 14 comprising the additional step of issuing control commands to said at least one visual device from said at least one electronic device. (Pugliese - Figure 2-4, Paragraph 8-10, Paragraph 156-166)

Charles-Pugliese-Thompson disclosed Claim 16 - The method of claim 15, wherein said control commands are issued response to receiving said visual data by said at least one electronic device. (Pugliese - Figure 2-4, Paragraph 8-10, Paragraph 156-166)

Charles-Pugliese-Thompson disclosed Claim 17 - The method of claim 16, further comprising altering an orientation of said visual device in accordance with said control commands. (Pugliese - Figure 2-4, Paragraph 8-10, Paragraph 156-166)

Charles-Pugliese-Thompson disclosed Claim 18 - The method of claim 14, wherein said receiving of said visual data is limited by a community affiliation of said one or more electronic devices. (Pugliese - Figure 2-4, Paragraph 8-10, Paragraph 156-166)

Charles-Pugliese-Thompson disclosed Claim 19 - The integrated system of claim wherein said visual data device comprises a stereographic viewing system. (Charles - Column 30 Lines 10-15, Column 54 Lines 25-50)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Charles (US Patent 6449103) in view of Pugliese et al. (US Publication 20010044751), hereinafter referred to as Pugliese further in view of Thompson (US Patent 7068301) further in view of Boykin (US Patent 6831556).

While Charles-Pugliese-Thompson substantially disclosed the claimed invention Charles-Pugliese-Thompson did disclose (re. Claim 13) wherein said server is located on said at least one mobile platform *with said at least one movable platform comprising one of the following: a boat, an airplane, a spacecraft, an automobile or a truck.*

Boykin disclosed (re. Claim 13) wherein said server is located on said at least one mobile platform *with said at least one movable platform comprising one of the following: a boat, an airplane, a spacecraft, an automobile or a truck.* (Boykin-Column 1 Lines 55-65)

Charles, Pugliese, Thompson and Boykin are analogous art because they present concepts and practices regarding electronic distribution, processing, and viewing of visual data via a remote visual device. At the time of the invention it would have been obvious to combine the teachings of Boykin into the method and apparatus of Charles-Pugliese-Thompson . The motivation for said combination would have been

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to enable an operator to control the video feed from the visual device. (Boykin1-Column 5 Lines 45-65)

Response to Arguments

Applicant's arguments filed 07/29/2005 have been fully considered but they are moot in view of the new grounds for rejection.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn, Jr. can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/G. B./
Examiner, Art Unit 2144

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144